

REMARKS

In the Office Action dated February 19, 2009, the Examiner rejects claims 1-11 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner indicates that claims 1-11 would be allowable if rewritten or amended to overcome this rejection. With this Amendment, Applicant has amended claims 1-5 and 8-11. After entry of this Amendment, claims 1-11 remain pending in the Application. Reconsideration of the Application as amended is respectfully requested.

With this Amendment, Applicant is submitting a Substitute Specification, inserting paragraph numbers and making a number of grammatical and/or typographical corrections. As can be seen from the enclosed specification with markings to show the changes made, the Substitute Specification contains no new matter and merely clarifies the language used to describe embodiments of the invention. Also, the summary has been amended to conform to the changes to the claims as described below.

The Examiner's basis for rejecting claims 1-11 under 35 U.S.C. §112, second paragraph, is the recitation that the front and rear portions of the longitudinal frame member are "selectively shifted" relative to each other. The Examiner states that these portions appear to be fixedly secured such that it is not understood how they can be "selectively shifted" relative to each other.

The specification is clear that the front and rear portions, while forming a unitary piece, are shiftable with respect to each other. (See, e.g., FIGS. 5, 7, 9, 10).

For clarity, however, Applicant has amended independent claim 1 to state instead that that said front portion and said rear portion are offset relative to each other in a vertical direction around said kick-up portion. This change finds support in the specification as originally filed at, for example, page 5, lines 3-6 (see also Substitute Specification, ¶ [0033]). In claim 1 and its dependent claims 2, 3, 5, 8 and 9, the word "provided" has been replaced by the word "located" for clarity. Dependent claim 4 has been amended to clarify that said bent deforming member comprises a front guide member and a rear guide member offset relative to each other on an inner wall and an external wall of said longitudinal frame member, respectively, instead of stating that these guide members are shifted relative to each other. This change is supported by the specification as originally filed at page 6, lines 7-10. (See also

Substitute Specification, ¶ [0041]). Applicant respectfully submits that claim 1 and its dependent claims are clear and definite and meet the requirements of 35 U.S.C. § 112, second paragraph.

Independent claim 10 is directed to a collision energy absorbing method using a body frame structure including a longitudinal frame member. In claim 10, Applicant has moved the description of the portions of the longitudinal frame member to the body of the claim from the preamble. In addition, Applicant has deleted the step of selectively shifting said front portion and said rear portion relative to each other in a vertical direction around said kick up portion, thereby removing the language objected to by the Examiner. Finally, Applicant has rewritten the steps to more clearly define them. Accordingly, the method now describes selectively bending and deforming a front portion of said longitudinal frame member upwardly around a kick-up portion of said longitudinal frame member when a collision load is applied to said longitudinal frame member, said longitudinal frame member including said front portion, a rear portion and said kick-up portion, such that said front portion and said rear portion are offset relative to each other in a vertical direction around said kick-up portion, and using a bent deforming guide member located inside said longitudinal frame member adjacent to said kick-up portion to selectively constrain said front portion to bending and deforming in a lateral direction of the vehicle during an applied frontal collision load. Applicant respectfully submits that claim 10 is clear and definite and meets the requirements of 35 U.S.C. § 112, second paragraph.

Independent apparatus claim 11 has been amended similarly to claim 1. Namely, claim 11 now describes a longitudinal frame member assembly for a vehicle comprising a longitudinal frame member having a front portion and a rear portion that are offset relative to each other in a vertical direction and a front guide member and a rear guide member located inside said longitudinal frame member, whereby said front portion is selectively bent and deformed in a lateral direction of said vehicle by colliding said guide members with each other when a frontal collision load is applied to the longitudinal frame member. Applicant respectfully submits that claim 11 is clear and definite and meets the requirements of 35 U.S.C. § 112, second paragraph.

It is respectfully submitted that this Amendment overcomes all of the

Examiner's objections and rejections to the application as originally filed. Applicant submits that no new matter is added to the Application as filed. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in suitable condition for allowance; notice of which is requested.

The Examiner is invited to contact the undersigned at the telephone number listed below if the Examiner believes an Examiner's amendment would expedite prosecution of the application.

Respectfully submitted,

YOUNG BASILE HANLON
MACFARLANE & HELMHOLDT, P.C.

/Michelle L. Knight/

Michelle L. Knight
Registration No. 47711
(248) 649-3333

3001 West Big Beaver Rd., Ste. 624
Troy, Michigan 48084-3107